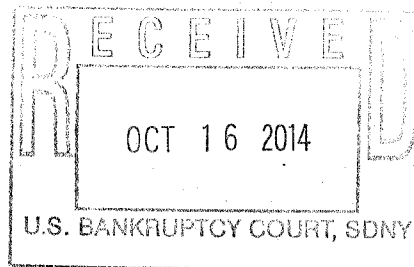


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Attorney *In Pro Per*



IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
MANHATTAN DIVISION

IN RE:

RESIDENTIAL CAPITAL, LLC, *ET AL.*
Debtors.)

) BANKRUPTCY CASE NO. 12-12020-MG
) CHAPTER 11

) Jointly Administered
) (Executive Trustee Services, Case No. 12-12028)

) **DECLARATION OF ALAN MOSS IN SUPPORT
) OF HIS RESPONSE IN OPPOSITION TO
) RESCAP BORROWER CLAIMS TRUST'S
) SEVENTY-FIFTH OMNIBUS OBJECTIONS TO
) CLAIMS**

[Claim No. 4445]
Hearing Date: November 13, 2014
Hearing Time: 10:00 A.M.

Claimant, ALAN MOSS, declares as follows:

I am the Claimant in Claim NO. 4445. If called to testify, I would aver as follows:

1. Attached hereto and made a part hereof as **Exhibit 1** is a true and correct copy of the complaint I filed *in pro per* in the case of *Alan Moss vs. Executive Trustee Services et al.*, Action No. CIV505386, State of California, County of San Mateo Superior

1 Court, denoted hereinafter as the "ETS complaint." This document bears the official "file"
2 stamp of the clerk of the court, with the file date of May 5, 2011;

3 2. As set forth on the first page of the ETS complaint, it alleges causes of
4 action only for (1) negligence, (2) negligence *per se*, (3) fraud, (4) Intentional Infliction of
5 emotional distress, and (5) negligent infliction of emotional distress.

6 3. The ETS complaint is still pending in California's San Mateo County
7 Superior Court, but has been "stayed" because of this bankruptcy.

8 4. Attached hereto and made a part hereof as **Exhibit 2** is a true and correct
9 copy of the original complaint I caused to be filed in the case of *Alan Moss vs. The Bank Of*
10 *New York Trust Company et al.*, Action No. CIV 486130, Superior Court of California,
11 County of San Mateo, denoted hereinafter as the "BONY Complaint." This document bears
12 the official "file" stamp of the clerk of the court, with the file date of July 22, 2009.

13 5. I amended this Complaint on March 16, 2010 when I filed *in pro per* my
14 First Amended Complaint against The Bank of New York Trust Company. A true and
15 correct copy of this complaint is attached hereto and made a part hereof as **Exhibit 3**.

16 6. This action was removed to the United States District Court for the Northern
17 District of California on April 22, 2010.

18 7. Attached hereto and made a part hereof as **Exhibit 4** is a true and correct
19 copy of the Fourth Amended Complaint I filed *in pro per* in the case of *Alan Moss vs. The*
20 *Bank Of New York Trust Company et al.*, Civil Action No. CV 10 1734 JSW, United States
21 District Court, Northern District of California, denoted hereinafter as the "BONY
22 Complaint." This document bears the official "file" stamp of the clerk of the court, with the
23 file date of November 2, 2011. This complaint is the result of three separate motions
24 pursuant to FRCP 12(b)(6). **Exhibit 4** was the operative complaint in this matter. This
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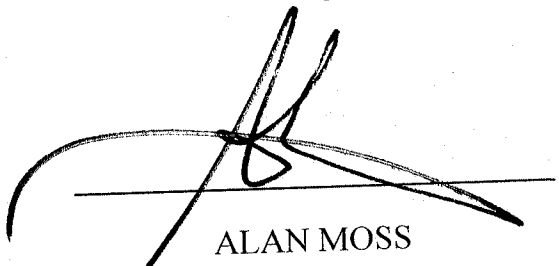
1 complaint alleged causes of action for (1) Set Aside Trustee Sale Due To Sale Being Void;
2 (2) Estoppel; (3) Intentional Infliction of Emotional Distress; (4) Breach of Contract; and (5)
3 Cancellation of Recorded Documents.

4 8. Attached hereto and made a part hereof as **Exhibit 5** is a true and correct
5 copy of the docket sheet in *Moss vs. ETS*, Action No. 505386, State of California, San Mateo
6 County Superior Court.

7 9. Attached hereto and made a part hereof as **Exhibit 6** is a true and correct
8 copy of the docket sheet in *Moss vs. The Bank of New York Trust Company*, Action No.
9 486130, State of California, San Mateo County Superior Court.

10 10. Attached hereto and made a part hereof as **Exhibit 7** is a true and correct
11 copy of the docket sheet in *Moss vs. The Bank of New York Trust Company*, Action No. 10-
12 1734, U.S. District Court, Northern District of California..

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14 I declare under penalty of perjury under the laws of California that the foregoing is
15 true and correct and that this Declaration was executed on the 13th day of October,
16 2014.

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18 
19 ALAN MOSS
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